

MINUTES

NEVADA STATE BOARD OF PHYSICAL THERAPY EXAMINERS

BOARD MEETING MARCH 11, 2004

- Item 1- Call to order / roll call to determine the presence of a quorum. After determining the presence of a quorum, the meeting was called to order at 8:35am. Board members in attendance: Laura LaPorta Krum, PT, PhD, Chairman; Conee Spano, M.Ed., Public Member, Secretary/Treasurer; Pamela Hogan, PT, OCS, FSOM; Chad Bible, MSPT, GCS. Non-members in attendance: Lawrence P. Mooney, PT, Chief Inspector; George Campbell, Deputy Attorney General; Allison Tresca, Executive Secretary. For all others in attendance, please see sign-in sheet in minutes file.
- Item 2- Review and approval of minutes for Board meeting of January 29, 2004. On motion by Board member Bible, seconded by Board member Hogan and approved with a unanimous vote, the minutes are approved with changes.
- Item 3- Review and approval of executive session minutes for Board meeting of January 29, 2004. On motion by Board member, Hogan, seconded by Board member Spano and approved with a unanimous vote, the executive session minutes are approved.
- Item 4- Review and approval of Treasurer's Report for period ending January 31, 2004. On motion by Board member Hogan, seconded by Board member Bible and approved with a unanimous vote, the Treasurer's Report is approved.
- Item 5- Review and approval of Profit and Loss Report for period ending January 31, 2004. On motion by Board member Bible, seconded by Board member Hogan and approved with a unanimous vote, the Profit and Loss Report is approved.
- Item 6- Review and approval of Treasurer's Report for period ending February 29, 2004. On motion by Board member Hogan, seconded by Board member Bible and approved with a unanimous vote, the Treasurer's Report is approved.
- Item 7- Review and approval of Profit and Loss Report of period ending February 29, 2004. On motion by Board member Bible, seconded by Board member LaPorta Krum and approved with a unanimous vote, the Profit and Loss Report is approved.
- Item 8- Review and approval of Secretary's Report. On motion by Board member Bible, seconded by Board member LaPorta Krum and approved with a unanimous vote, the Secretary's Report is approved.

- Item 9- Applicant Michele Tieri requests to be licensed. On motion by Board member Spano, seconded by Board member Hogan and approved with a unanimous vote, the Board goes into closed session. After returning to open session, on motion by Board member Spano, seconded by Board member Bible and approved with Board member LaPorta Krum abstaining, the applicant's request for licensure is approved. Board member LaPorta Krum is a former professor of the applicant and abstained from deliberating and voting.
- Item 10- Applicant Mary Lambert requests to be licensed. On motion by Board member Hogan, seconded by Board member Spano and approved with a unanimous vote, the Board goes into closed session. After returning to open session, on motion by Board member Spano, seconded by Board member Bible and approved with a unanimous vote, the applicant's request for licensure is approved.
- Item 11- Licensee John Atherton requests amendment to the terms of his probation. On motion by Board member Bible, seconded by Board member Hogan and approved with a unanimous vote, the Board goes into closed session. After returning to open session, on motion by Board member Hogan, seconded by Board member Bible and approved with a unanimous vote, the fine shall be paid in equal monthly installments of \$98.13 over the two-year period of probation. The licensee shall appear twice per year at the Board meetings held in Reno and the Board inspector shall submit a written report on the licensee twice per year. The Executive Secretary is directed to create a payment schedule. If any payment is not received by the due date, the remaining balance will be due in full within 30 days.
- Item 12- Appoint members to the Continuing Education Advisory Committee. The Board discussed the candidates: Ali Ames-Orci, Joe Cracraft, Pamela Hogan, Merrill Landers, Bridgette Lesar and Beth Ward. The Board was reminded of the criteria for appointment to the Committee per NAC 640.490. The Executive Secretary advised the Board that the current members were all interested in continuing their service. She also reported that the Committee needs a person who specializes in pediatrics. It was discussed that Dr. Cracraft and Ms. Ames-Orci had been on the Committee the longest. It was also discussed how each candidate would satisfy the requirements of NAC 640.490. On motion by Board member Bible, seconded by Board member Spano and approved with a unanimous vote, the Board appoints Pamela Hogan, Joe Cracraft, Merrill Landers, Bridgette Lesar and Beth Ward to serve on the Continuing Education Advisory Committee.
- Item 13- Discussion regarding physician owned physical therapy practices. Boyd Etter appears. Mr. Etter asked the Board if there was anything they wanted to share with him before he started. Chairman LaPorta Krum advised Mr. Etter that the Board has noticed the public to limit their comments to 3 minutes and he may be advised at any time that his allotted time has expired. Mr. Etter stated that from a governance perspective, a Practice Act change must occur to prohibit physician-owned practices. He commented that Delaware has been able to abolish physician owned practices and cites section 2616(a)(8) which states if you get rebate, kick- back or favor from a referral

source, you are in violation. He noted that the Attorney General for Delaware ruled it interpreted that physicians could not own a physical therapy practice. Mr. Etter stated that he wants to see us move forward and put forth language similar to Delaware. He said that he would like a Board member to act as a liaison to keep them abreast of any Practice Act changes the Board may be making to address this issue. Deputy Attorney General George Campbell advised the Board that they may appoint a Board member for such a purpose, but that it must be publicly noticed on an agenda and the person appointed must be given clear direction. He advised the Board to refrain from appointing anyone at this particular meeting. He said they were free as individuals to discuss the issues with Mr. Etter at any time, but could not speak on behalf of the Board unless the Board has appointed them to do so. Boyd Etter suggested that the Board inspectors could look at contracts which show the financial arrangements of the practices. Board member Hogan addressed Mr. Etter. She said that it was great that Mr. Etter wanted to change things, but that it takes time. The Executive Secretary will obtain the Delaware Practice Act and provide to the Board members. She will also contact the administrators for the other jurisdictions and ask for whatever language they have in place regarding physician owned practices. Place the appointment of a Board member to serve as a liaison to the Nevada Physical Therapy Association on the next agenda.

Item 14- Report from the Investigative Board Members.

(A) Jurisdictional determination of the following cases.

- Case #2003-67. On motion by Board member LaPorta Krum, seconded by Board member Hogan and approved with a unanimous vote, the case is dismissed.

Item 15- Update from the Board office.

- Discussion of activities of the Board office. The Executive Secretary provided a brief verbal report on the current and upcoming activities of the office. The Executive Secretary will coordinate with Chairman LaPorta Krum in revising the annual renewal form.
- Review and approval of budget for fiscal year 2004-05. On motion by Board member Hogan, seconded by Board member Bible, this item is tabled until the May meeting.

Item 16- Review and discussion of NRS Chapter 640 to propose suggestions for possible amendments. Board member Hogan commented that it would be helpful to have Board member Close present. The Executive Secretary noted that bill drafts must be to the Department of Administration by May 1, 2004, so there is no time for another meeting. The Board reviewed the changes suggested at the last meeting and provided changes to language. On motion by Board member Hogan, seconded by Board member Bible and approved with a unanimous vote, the bill drafts are to be created by the Executive Secretary using the language suggested by the Board. Please see bill drafts in the minutes file.

Item 17- Public Comment Period.

Item 18- Items for future agendas.

Item 19- Confirm schedule of future Board meetings and their locations. The next meeting of the Board is confirmed for May 20, 2004. The Executive Secretary is directed to contact the Board members to determine a date for a July Board meeting.

Item 20- Review of files/ratification for licensure.

FILES FOR REVIEW/RATIFICATION:

Physical Therapists

1785	Jerome Vandal	1795	Pamela Vinuya
1786	Marvin Sangria	1796	Franz Camacho
1787	Jugatx Muguiru	1797	Carrie Baker
1788	William O'Grady	1798	Rory Bates
1789	Gerard Hesch	1799	Shannon Pentony
1790	Ryan Hough	1800	Christopher Ross
1791	Martina Tannahill	1801	Ronald Gallagher
1792	Meredith Newman	1802	Karl Stutelberg
1793	Doris Brewer	1803	Cody Okuda
1794	Glen Waldron		

Physical Therapist's Assistants

A-0355 Kelly Howard
A-0356 Melissa Payton
A-0357 Beth Natko

Item 21- Discussion and recommendation for appointment of one member to the Nevada State Board of Physical Therapy Examiners for term expiring on June 30, 2004. On motion by Board member Hogan, seconded by Board member Bible and approved with a unanimous vote, the Board recommends Dr. Laura LaPorta to be reappointed to the Board for another term. The Executive Secretary is directed to contact the Governor's office with this recommendation.

Item 22- The meeting was adjourned at 2:12pm.